

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California Water Service Company (U 60-W), for Authority to Increase Rates Charged for Water Service in the Antelope Valley District by \$437,218 or 36.94% in Fiscal Year 2006-2007; by \$145,000 or 8.94% in Fiscal Year 2007-2008; and by \$145,000 or 8.21% in Fiscal Year 2008-2009.

Application 05-08-006  
(Filed August 8, 2005)

And Related Matters.

Application 05-08-007  
Application 05-08-008  
Application 05-08-009  
Application 05-08-010  
Application 05-08-011  
Application 05-08-012  
Application 05-08-013  
(Filed August 8, 2005)

**RATE BASE EQUALIZATION ACCOUNT (RBEA)**  
**SETTLEMENT**

**GENERAL**

The Parties to this Settlement before the California Public Utilities Commission (Commission or CPUC) are California Water Service Company (CWS), the Division of Ratepayer Advocates (DRA), Lucerne Community Water Organization, Intervener Jack Miller from Armstrong in the Redwood Valley Unified District, Interveners Jeffrey Young and Marcos Pareas from the Redwood Valley Coast Springs District and the Leona Valley Cherry Growers Association -- collectively, Parties. The Parties, desiring to avoid the expense and inconvenience attendant to the litigation before the Commission, have agreed on this Settlement, which they now submit for adoption.

In consideration of the mutual obligations, covenants and conditions contained herein, the Parties agree to the terms of this Agreement. Nothing in this Agreement shall be deemed to constitute an admission or an acceptance by any Party of any fact, principle, or position contained herein and this Agreement is subject to the limitations described in Section 13 with respect to the express limitation on precedent. The Parties, by signing this Agreement, acknowledge that they pledge support for Commission approval and subsequent implementation of all the provisions of the Agreement.

**SETTLEMENT TERMS**

This agreement was reached taking into account Parties original positions, the affordability of the rates (district income levels, usage levels, rate base per customer, availability of public loan funds, and average bills in each district) and public comment at the Public Participation Hearings and in letters to the CPUC and DRA. In addition,

Parties weighed the impact of any extraordinary water quality problems in reaching this settlement.

Parties agreed on the need to provide some form of rate assistance for Antelope Valley, Kern River Valley, and Redwood Valley but did not agree on the RBEA as proposed by CWS. Parties instead propose use of a different subsidy mechanism, which they name the **Rate Support Fund (RSF)**. While CWS and DRA analyzed the impact of the very high rate base per customer in their respective reports, it was just one of the factors used in selecting which districts should be eligible for a benefit. Actual numerical recommendations for rate assistance are based on a per customer benefit and not tied to rate base.

**1. Rate Support Fund (RSF).**

The parties agree that the RSF will be used to support two types of benefits: (1) a general rate assistance benefit to all customers in eligible districts; and, (2) a targeted benefit to qualifying low income customers in all three of the RBEA proposed districts -- Antelope Valley, Kern River Valley and Redwood Valley (Lucerne, Coast Springs, and Unified).

**2. Eligible districts.**

Parties agree that Kern River, Redwood Valley-Lucerne, Redwood Valley-Coast Springs, and Redwood Valley-Unified are all eligible for a general district-wide or division-wide rate assistance benefit from the RSF.<sup>1</sup> In addition, Parties agree that the customers in the very impoverished and low water usage area of Fremont Valley in Antelope Valley are also eligible for a general rate assistance benefit, but agree that Antelope Valley as a district should only be eligible for the more targeted low income benefit described below. This agreement was reached taking into account Parties original positions, the affordability of the rates -- district income levels, usage levels, rate base per customer, availability of public loan funds, and average bills in each district. In addition, Parties weighed the impact of any extraordinary water quality problems in the proposed districts.

In addition, Parties agree that qualifying low income customers in Antelope Valley, Kern River Valley, and Redwood Valley (Lucerne, Coast Springs, and Unified) are all eligible to participate in a special low income rate assistance program designed to provide additional targeted rate relief to those most in need of assistance.

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<sup>1</sup> Redwood Valley has three divisions -- Lucerne, Coast Springs and Unified.



### 3. Amount of total support subsidy.

Parties agree to the following RSF subsidy amounts for rate assistance:

District	General Rate Assistance	Low Income Rate Assistance	Total
Kern River	\$1,034,006	\$108,000	\$1,142,006
Lucerne	264,447	41,160	305,607
RV – Coast Springs	50,795	1,200	51,995
RV – Unified	89,965	8,880	98,845
Antelope Valley	0	12,600	12,600
AV - Fremont Valley 93501	12,546	4,080	16,626
<b>Total</b>	<b>\$1,451,760</b>	<b>\$175,920</b>	<b>\$1,627,680</b>

These amounts assume that CWS gets a \$4 million zero interest State Revolving Fund (SRF) loan for Lucerne. The net reduction in revenue requirement provided by this loan to Lucerne customers is approximately \$23/month.<sup>2</sup> Lucerne customers will not see this \$23/customer reduction on their bills, because it is a net reduction over what bills would have been without the SRF loan. Parties recognize that Lucerne customers will be receiving this \$23 net benefit once the loan is finalized, which when combined with the RSF rate assistance benefit described herein of \$17/customer, results in combined rate support of approximately \$40/customer per month from CWS ratepayers and the SRF loan program.

The benefit for the Fremont Valley area of Antelope Valley is targeted to a unique situation. In general, Antelope Valley is of average income with average residential water usage of 33.5 Ccfs/month. When usage is normalized and compared across districts at 10 Ccfs per month, proposed Antelope Valley bills are comparable or less than existing bills in Kern River Valley and Redwood Valley. However, the Fremont Valley sub-area is different. Over 50% of the households are at or below 200% of federal poverty guidelines, and average usage is 7 Ccfs per month. Parties agreed to provide general rate support to all households in this specific area.

See attached tables for a summary of CWS and DRA original positions and for settlement amounts as a proportion of revenue requirement. These amounts represent a compromise on the part of both CWS and DRA, as well as the other interveners.

### 4. Customer benefits and type of support.

#### a. General Support – Customer benefits.

Parties agree that the above RSF subsidies are designed to provide the following amounts in monthly rate support per customer:

Kern River Valley                      **\$20/month/customer**

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<sup>2</sup> A \$4 million reduction in rate base equates to an approximate \$36/month reduction per customer. The SRF loan payment, per customer, is estimated to be \$13/month. Therefore, the net reduction, \$36 - \$13, equals a net savings of \$23/customer.

RV - Lucerne	<b>\$17/month/customer</b>
RV – Coast Springs	<b>\$17/month/customer equivalent</b> Parties agree that rate support in this division should be applied to the quantity rates to better target the benefit to year round permanent residents rather than vacation home customers. This equates to <b>\$6.05/Ccf</b> .
RV – Unified	<b>\$17/month/customer equivalent</b> Parties agree that rate support in this division should also be applied to the quantity rates to better meet the needs of the community. This equates to <b>\$1.76/Ccf</b> .
AV – Fremont Valley Service area (93501 zip code)	<b>\$8.50/customer/month</b>

**b. Additional targeted support for qualifying low income customers in Antelope Valley, Kern River Valley and Redwood Valley.**

Parties also recommend that a portion of the RSF support be specifically targeted to qualifying low income customers in all three of the proposed RBEA districts – Antelope Valley, Kern River and Redwood Valley (Lucerne, Coast Springs, and Unified). Parties agree that eligible low income households should receive an additional \$10/month in low income rate assistance. Any customer who is enrolled in either the PG&E or SCE low income program, California Alternate Rates for Energy or CARE, and who presents proof of that enrollment by submitting a copy of his or her electric bill, will automatically qualify for this special low income assistance. If the customer does not have electric service, he or she must meet the CPUC CARE program income limits to qualify. The following table shows the income limits in effect through May 2006.

<b>Household Size</b>	<b>LIEE Income Limit</b>
1 to 2	\$27,700
3	\$32,500
4	\$39,200
5	\$45,900
6	\$52,600
Each additional	\$6,700

These limits are updated annually and posted on the CPUC website under “Consumer Information” and are currently based on 200% of federal poverty guidelines. CWS agrees to inform customers of this additional rate assistance twice a year via a bill insert and notices approved by the CPUC Public Advisor and DRA, and notifying Community Based Organizations (CBOs) within the districts in writing so they can also publicize the program.

Parties acknowledge that CWS has an application pending (A.05-10-035) for a company-wide low income rate assistance (LIRA) program that would apply to all CWS districts. Parties agree that low income customers in Antelope Valley, Kern River Valley and Redwood Valley should receive the higher of any low income assistance authorized in that proceeding or the low income assistance adopted in the instant proceeding, but not



both. Parties expect that in A.05-10-035 the low income assistance and corresponding surcharges authorized in this proceeding will be combined into the company-wide low income rate assistance fund and surcharge mechanism that is adopted in A.05-10-035.

**c. Line item on customer bills.**

Parties agree that any and all customer support will be an explicit line item on the customer bill. The direct benefit going to qualifying districts will be listed as the "Rate Support Fund Assistance" and the additional special low income assistance will be listed as "Low Income Rate Assistance".

**5. Surcharge.**

Parties agree to fund the RSF via a volumetric surcharge on every unit of water sold by CWS in all 24 districts, instead of a per customer surcharge. Parties estimate the volumetric surcharge to be approximately \$0.0090, or less than one penny, per Ccf of water. The surcharge for un-metered customers on a flat rate should be a per customer charge based on the average residential consumption in those districts. As shown in Attachment B, it ranges from \$0.22 to \$0.36 per customer depending on the district. Parties agree that customers enrolled in any CWS low income program should be exempt from paying this surcharge. Also, CWS has agreed to show the surcharges on customer bills.

**6. Effective dates.**

The Parties agree that the general RSF support and the targeted LIRA support should be implemented coincident with the effective date of the rate increases in the Redwood Valley and Antelope Valley districts. Additionally, the RSF support for the Kern River Valley district should be implemented at the same time that the rate increase associated with the infrastructure improvements to comply with the new arsenic standard become effective. DRA has recommended that the rate increase for the arsenic related facilities be implemented by advice letter after the facilities are in service. CWS does not oppose DRA's advice letter recommendation.

**7. Duration.**

Support approved in this GRC is for the duration of this GRC cycle. Requests for future RSF rate assistance may be made by CWS in future general rate cases. CWS also agrees to provide a summary report on RSF benefits provided and surcharges collected in the next GRC for these districts.

**8. Accounting Treatment.**

RSF subsidies and surcharges will be booked in a single balancing account with the subsidies recorded for each district. No later than March 31st of each year CWS agrees to notify the Commission's Water Division in writing of the status of the balancing account for the prior calendar year. Additionally, CWS agrees to file an advice letter to adjust the surcharge if the balancing account is over- or under-collected by 10% or more of total annual revenues for the districts receiving support. Balances will accrue interest at the 90 day commercial paper rate.

CWS has agreed that the rates shown on customer bills for districts receiving RSF assistance will reflect the tariff rates with the RSF and LIRA benefits separately identified as offsets to the tariff rates.

#### **9. CAPS procedure.**

Parties discussed but declined to recommend the use of the CAPS procedure for phasing in rate increases for any districts in this GRC.

#### **10. Incorporation of Complete Agreement**

This Agreement is to be treated as a complete package and not as a collection of separate agreements on discrete issues. To accommodate the interests related to diverse issues, the Parties acknowledge that changes, concessions, or compromises by a Party or Parties in one section of this Agreement resulted in changes, concessions, or compromises by the Parties in other sections. Consequently, the Parties agree to oppose any modification of this Agreement not agreed to by all Parties.

#### **11. Signature Date And Term Of Agreement**

This Agreement shall become binding on the signature date.

#### **12. Regulatory Approval**

The Parties shall use their best efforts to obtain Commission approval of the Agreement. The Parties shall jointly request that the Commission: (1) approve the Agreement without change; and (2) find the Agreement to be reasonable, consistent with law and in the public interest.

#### **13. Compromise Of Disputed Claims**

This Agreement represents a compromise of disputed claims between the Parties. The Parties have reached this Agreement after taking into account the possibility that each Party may or may not prevail on any given issue. The Parties assert that this Agreement is reasonable, consistent with law and in the public interest.

#### **14. Non Precedent**

Consistent with Rule 51.8 of the Commission's Rules of Practice and Procedure, this Agreement is not precedential in any other proceeding before this Commission, except as expressly provided in this Agreement.

#### **15. Previous Communications**

The Agreement contains the entire agreement and understanding between the Parties as to the subject matter of this Agreement, and supersedes all prior agreements, commitments, representation, and discussions between the Parties. In the event there is any conflict between the terms and scope of the Agreement and the terms and scope of the accompanying joint motion, the Agreement shall govern.

#### **16. Non Waiver**

None of the provisions of this Agreement shall be considered waived by any Party unless such waiver is given in writing. The failure of a Party to insist in any one or more instances upon strict performance of any of the provisions of this Agreement or to take advantage of any of their rights hereunder shall not be construed as a waiver of any such provisions or the relinquishment of any such rights for the future, but the same shall continue and remain in full force and effect.

#### **17. Effect Of Subject Headings**

Subject headings in this Agreement are inserted for convenience only, and shall not be construed as interpretations of the text.

**18. Governing Law**

This Agreement shall be interpreted, governed and construed under the laws of the State of California, including Commission decisions, orders and rulings, as if executed and to be performed wholly within the State of California.

**19. Number Of Originals**

This Agreement is executed in counterparts, each of which shall be deemed an original. The undersigned represent that they are authorized to sign on behalf of the Party represented.



## Attachment A

Comparison of CWS vs. DRA RBEA Original Positions with Settlement			
	CWS	DRA	Settlement
<b>Type of Support</b>	Direct subsidy support to eligible districts	Direct subsidy support to eligible districts	General rate support to all customers in eligible districts, and additional targeted support to qualifying low income customers.
<b>Eligible Districts for Direct Subsidy Support</b>	Antelope Valley, Kern River Valley and Redwood Valley (Lucerne, Coast Springs, and Unified).	Kern River Valley and Redwood Valley (Lucerne only).	Kern River Valley, Redwood Valley (Lucerne, Coast Springs, and Unified) and AV - Fremont Valley (93501 zip) only.
<b>Eligible Districts for Targeted Low Income Support</b>	NA	NA	Antelope Valley, Kern River Valley and Redwood Valley (Lucerne, Coast Springs, and Unified).
<b>Data used for comparison purposes</b>	CWS Results recalculated using 8.5% ROR.	DRA Results recalculated using 8.5% ROR.	NA
<b>SRF Loan for Lucerne</b>	CWS calculations assumed no loan.	DRA presented two scenarios, with and without SRF loan.	Assumes receipt of \$4 million interest free SRF loan for Lucerne.
<b>Rate base subsidy threshold per customer</b>			<i>Weighed in settlement negotiations but not used as a threshold.</i>
2006-07	\$1,136	\$2,272	
2007-08	\$1,136	\$2,272	
<b>Total rate base subsidized</b>			<i>Weighed in settlement negotiations but not used as a threshold.</i>
2006-07	\$15,945,620	\$5,040,520	
2007-08	\$17,302,725	\$5,783,798	
<b>Total Revenue Requirement Subsidy</b>			
2006-07	\$2,455,626	\$776,240	\$1,627,680
2007-08	\$2,664,620	\$890,705	\$1,627,680
<b>Benefit per customer</b>	Varies by district. See Bill Analysis Tables.	Varies by district. See Bill Analysis Tables.	
<b>Surcharge type</b>	Per customer	Per Ccf water sold	Per Ccf water sold
<b>Per Customer surcharge</b>			Not Applicable, but values provided for comparison purposes.
2006-07	\$0.47	\$0.15	\$0.31
2007-08	\$0.51	\$0.17	\$0.31
<b>Per Ccf water surcharge</b>			
2006-07	\$0.014	\$0.004	\$0.009
2007-08	\$0.015	\$0.005	\$0.009
<b>Subsidizing ratepayers</b>	All CWS ratepayers including those in districts to be subsidized.	Former Dominguez ratepayers. Shareholders should pay CWS portion. Customers enrolled in any CWS low-income water program should be excluded from paying the surcharge.	All CWS ratepayers including those in districts to be subsidized, but excluding customers enrolled in any CWS low-income water program
<b>Shareholders portion of per customer surcharge</b>	0	90.2%. (CWS customers from non-Dominguez districts.)	Not Applicable.
<b>Shareholders portion of per Ccf surcharge</b>	0	<b>86.6%</b> (86.6% of water sold is to CWS customers from non-Dominguez districts.)	<b>0</b>



## Attachment B

### Proposed Settlement on CWS RBEA Proposal

DRA and CWS proposed subsidies recalculated using a standard ROR of 8.5% to eliminate this variable from results. Use of this ROR was for comparison purposes only, and does not imply endorsement of this value by either DRA or CWS.

#### Part I: Eligible District RSF General Subsidy

District	Monthly Customer Subsidy*				Settlement Subsidy as % of Rev.		
	DRA	CWS	Settlement		% Current	% DRA	% CWS
Kern River	\$666,465	\$1,420,275	\$1,034,006		39.4%	31.4%	22.7%
Lucerne	\$109,769	\$336,497	\$264,447		44.9%	21.6%	13.3%
RV - Coast Springs*	\$0	\$137,600	\$50,795		61.6%	24.8%	15.2%
RV - Unified*	\$0	\$181,257	\$89,965		28.1%	16.8%	11.8%
Antelope Valley	\$0	\$380,148	\$0		0.0%	0.0%	0.0%
AV - Fremont Valley 93501	--	--	\$12,546		NA	NA	NA
Total	\$776,234	\$2,455,777	\$1,451,760				
Surcharge per Ccf	\$0.0040	\$0.014	\$0.0080				

\* Parties agree that the subsidy for Coast Springs and Unified be applied to the quantity rates instead of being a per customer credit. This results in a credit per Ccf of:

RV - Coast Springs\* \$6.05  
RV - Unified\* \$1.76

#### Part II: Settlement Special Low Income Discount

District	\$ Discount/Customer	Estimated Customer Participation at 50% of Eligible	Special Low Income Subsidy	Settlement Subsidy as % of Rev.		
				% Current	% DRA	% CWS
Kern River	\$10.00	900	\$108,000.00	4.12%	3.28%	2.37%
Lucerne	\$10.00	343	\$41,160.00	6.99%	3.37%	2.07%
RV - Coast Springs	\$10.00	10	\$1,200.00	1.46%	0.59%	0.36%
RV - Unified	\$10.00	74	\$8,880.00	2.78%	1.66%	1.17%
Antelope Valley	\$10.00	105	\$12,600.00	1.39%	1.11%	1.02%
AV - Fremont Valley 93501	\$10.00	34	\$4,080.00	NA*	NA*	NA*
Total		1466	\$175,920			
Surcharge per Ccf			\$0.0010			

\* Low Income support for Antelope Valley and AV - Fremont combined for purposes of evaluating percentage of revenue requirement.

**Total RSF Subsidy for High Rate Base per Customer Districts**

District	General Rate Assistance	Low Income Rate Assistance	Total	SRF Loan Benefit	Total
Kern River	\$1,034,006	\$108,000	\$1,142,006		
Lucerne	264,447	41,160	305,607		
RV - Coast Springs	50,795	1,200	51,995		
RV - Unified	89,965	8,880	98,845		
Antelope Valley	0	12,600	12,600		
AV - Fremont Valley 93501	12,546	4,080	16,626		
<b>Total</b>	<b>\$1,451,760</b>	<b>\$175,920</b>	<b>\$1,627,680</b>		
<b>Surcharge per Ccf</b>	<b>\$0.0080</b>	<b>\$0.0010</b>	<b>\$0.0090</b>		

midpoint DRA - CWS  
\$1,616,005.56

**Flat Rate Customers only -- Monthly per customer surcharge based on average usage\***

Districts with Flat Rate Customers	Average Usage	Flat Rate Surcharge
Bakersfield	40.5	\$0.36
Chico	24	\$0.22
Marysville	24.5	\$0.22
Oroville	26.5	\$0.24
Selma	38.9	\$0.35
Visalia	24.5	\$0.22
Willows	31.8	\$0.29

Surcharge per Ccf  
\$0.01

\*average usage x surcharge per Ccf = flat rate monthly customer surcharge



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26201 Tuolumne St.  
Mojave, CA 93501  
(760) 373-3284

Date: \_\_\_\_\_

**Division of Ratepayer Advocates**

By \_\_\_\_\_

Jason Reiger  
Counsel for the Division of Ratepayer  
Advocates  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 355-5596

Date: \_\_\_\_\_

**Interveners for Redwood Valley Coast  
Springs Division**

By \_\_\_\_\_

Marcos Pareas  
P.O. Box 152  
Dillon Beach, Ca 94929

By \_\_\_\_\_

Jeffery Young  
473 Woodley Place  
Santa Rosa, Ca 95409

Date: \_\_\_\_\_

**Lucerne Community Water Organization**

By \_\_\_\_\_

Stephen R. Elias  
Lucerne Community Water Organization  
568 Lakeport Blvd.  
Lakeport, CA 95453  
(707) 263-6288

Date: \_\_\_\_\_

**California Water Service Company**

By *Francis S. Ferraro*

Francis S. Ferraro  
California Water Service  
1720 N. First Street  
San Jose, CA 95112  
(408) 367-8225

Date: 2/10/06

**Intervener for Redwood Valley  
Unified Division**

By \_\_\_\_\_

Jack Miller  
16471 Rio Nido Road  
Guerneville, Ca 95440  
(707) 869-3049

Date: \_\_\_\_\_

**Leona Valley Cherry Growers  
Association**

By *Jack Chacanaca*

Jack Chacanaca  
Leona Valley Cherry Growers  
Association  
26201 Tuolumne St.  
Mojave, CA 93501  
(760) 373-3284

Date: 2-14-06